

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Patrice Martinez Confirmation No.: 2579  
Serial No.: 10/517,419 Examiner: Matter, Kristen Clarette  
Filing Date: December 8, 2004 Group Art Unit: 3771  
For: PROTECTIVE HEADGEAR EQUIPMENT  
WITH RESPIRATOR AND OPTICAL SHIELD

Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Attorney Docket No.: 41052/309048  
Date: January 7, 2009

**REQUEST FOR ISSUANCE OF A CORRECTED FILING RECEIPT AND  
REQUEST FOR RE-CALCULATION OF PATENT TERM ADJUSTMENT**

Sir:

**I. Request for Corrected Filing Receipt**

Applicants respectfully request issuance of a corrected Filing Receipt in the above-identified patent application.

**A. Title:**

In the title, kindly delete the word RESPIRATOR and insert the following in place thereof: RESPIRATOR

Attached is a copy of the first page of the PCT pamphlet confirming the correct spelling.

**B. Filing Date:**

Applicants also believe that the Patent Office awarded an earlier filing date to the application than it should have. The national phase application and related materials were filed on December 8, 2004 (the above-identified patent application is the United States national phase of International Application No. PCT/FR03/01730), but the executed

declaration was filed later, on August 9, 2005. Accordingly, it is believed that the correct filing date (the date on which the requirements under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) were *all* fulfilled) should be August 9, 2005. Attached are copies of the executed Declaration for Patent Application and postcard acknowledging receipt of same by the U.S. Patent and Trademark Office on August 9, 2005.

If the Patent Office finds that Applicants are correct, kindly delete the 371(c) filing date of December 8, 2004 and insert the following filing date in place thereof:

August 9, 2005

## **II. Request for Re-Calculation of Patent Term Adjustment**

Applicants accordingly request that the Office re-calculate the patent term adjustment as stated in the Determination of Patent Term Adjustment under 35 U.S.C. 154(b)(A) as issued on Form PTOL-85, because Applicants believe that the patent term adjustment is thought to be longer than appropriate. Applicants do, however, point out that the recalculation of the patent term adjustment should also consider any 35 U.S.C. 154(b)(B) delays. *See Wyeth et al. v. Dudas*, 580 F.Supp. 2d 138 (Fed. Cir. 2008).

Applicants state that this paper is not to be considered a Rule 1.312 amendment but is rather an "other paper" required by the Office.

Respectfully submitted,  
/Kristin M. Crall 46,895/  
Kristin M. Crall  
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(12) DEMANDE INTERNATIONALE PUBLIÉE EN VERTU DU TRAITÉ DE COOPÉRATION  
EN MATIÈRE DE BREVETS (PCT)

(19) Organisation Mondiale de la Propriété  
Intellectuelle  
Bureau international



(43) Date de la publication internationale  
18 décembre 2003 (18.12.2003)

PCT

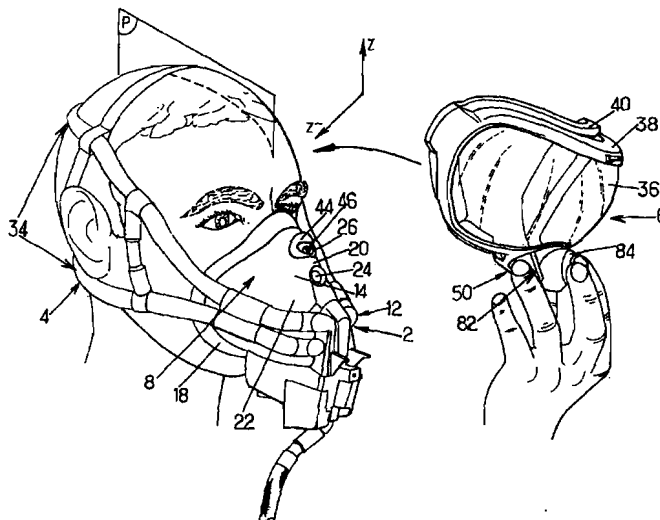
(10) Numéro de publication internationale  
**WO 03/103774 A1**

- (51) Classification internationale des brevets<sup>7</sup> : **A62B 18/08** (72) Inventeurs; et  
(75) Inventeurs/Déposants (pour US seulement) : **MAR-**  
(21) Numéro de la demande internationale : **TINEZ, Patrice** [FR/FR]; 14, rue du Pont Marquant,  
PCT/FR03/01730 F-78610 Le Perray (FR). **URGEL, Jean-Claude** [FR/FR];  
(22) Date de dépôt international : 10 juin 2003 (10.06.2003) 2, square de Luynes, F-78150 Le Chesnay (FR). **MAIRE,**  
(25) Langue de dépôt : français **Patrick** [FR/FR]; 25, chemin des Samsons, F-78125  
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(26) Langue de publication : français du Maine, F-78650 Beyne (FR). **FLAMENT, Xavier**  
[FR/FR]; 2 rue de l'Escalier, F-95420 Saint-Gervais (FR).  
(30) Données relatives à la priorité : (74) Mandataires : **BURBAUD, Eric** etc.; Cabinet Plasseraud,  
02/07090 10 juin 2002 (10.06.2002) FR 84, rue d'Amsterdam, F-75440 Paris Cedex 09 (FR).  
(71) Déposant (pour tous les États désignés sauf US) : (81) États désignés (national) : AE, AG, AL, AM, AT, AU, AZ,  
**INTERTECHNIQUE** [FR/FR]; 61, rue Pierre Curie, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ,  
F-78373 Plaisir Cedex (FR). DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM,  
HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK,

[Suite sur la page suivante]

(54) Title: PROTECTIVE HEADGEAR EQUIPMENT WITH RESPIRATOR AND OPTICAL SHIELD

(54) Titre : EQUIPEMENT DE PROTECTION DE TÊTE A MASQUE RESPIRATOIRE ET ECRAN OPTIQUE



(57) Abstract: The invention concerns a protective headgear comprising a respirator (2) capable of being connected to a breathing mixture source, an eye protecting shield (5) and first (32) and second (56) lock elements, respectively located on the respirator (2) and on the shield (6) and adapted to co-operate with each other to secure the shield (6) to the respirator (2), when the respirator is in its use position on the user's face, the first (32) and second (56) lock elements being adapted to be mutually engaged and interlocked by a movement bringing the shield (6) closer to the respirator (2), from above.

(57) Abrégé : Équipement de protection de tête comprenant un masque (2) respiratoire raccordable à une source de gaz respiratoire, un écran (6) de protection des yeux et des premier (32) et deuxième (56) éléments de verrou, respectivement situés sur le masque (2) et sur l'écran (6) et adaptée pour

[Suite sur la page suivante]

WO 03/103774 A1



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/517,419	12/08/2004	3765	1150	41052/309048	8	21	4

08/09/2005

23370  
JOHN S. PRATT, ESQ  
KILPATRICK STOCKTON, LLP  
1100 PEACHTREE STREET  
ATLANTA, GA 30309

CONFIRMATION NO. 2579

## FILING RECEIPT



\*OC00000016224117\*

Date Mailed: 06/14/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Patrice Martinez, Le Perray, FRANCE;  
Jean-Claude Urgel, Le Chesnay, FRANCE;  
Patrick Maire, Raizeux, FRANCE;  
Philippe Gerard, Beynes, FRANCE;  
Xavier Flament, Saint Gervais, FRANCE;

**Power of Attorney:** The patent practitioners associated with Customer Number 23370.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/FR03/01730 06/10/2003

## Foreign Applications

FRANCE 02/07090 06/10/2002

**Projected Publication Date:** 09/15/2005

**Non-Publication Request:** No

**Early Publication Request:** No

KS Docketing

Docketed for: \_\_\_\_\_  
Entered on: 7/6/05  
Initials: W/L  
Previously Entered: \_\_\_\_\_

RECEIVED

JUN 17 2005

DOCKETING

**Title**Protective headgear equipment with ~~respirator~~ and optical shield

respirator

**Preliminary Class**

002

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Sir: The "RECEIVED" stamp on the card acknowledges receipt of the enclosed:

JCOG Rec'd PCT/PTO 09 AUG 2005

Applicants: Patrice Martinez, et al.

Express Mail Label No. EV04163356705

Title: "Protective Headgear Equipment with Respirator and Optical Shield"

Serial No. 10/517,419 Docket No. 41052/309048 Filed 08 December 2004

1. Transmittal Form (PTO/SB/21) Letter to the U.S. as Designated/Elected Office
2. Certificate of Mailing
3. Declaration for Patent Application
4. Recordation Form Cover Sheet
5. Assignment
6. Form 2038

Date: 19 AUGUST 2005  
Dean W. Russell, Reg. No. 33,452

ATLLIB01 1210778v1

41052-309048

Attorney Docket No. \_\_\_\_\_

**DECLARATION FOR PATENT APPLICATION**

☒ Original                      ☐ Supplemental                      ☐ Substitute                      ☐ PCT

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below), or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**"Protective equipment for the head, with breathing mask and optical shield"**

(Title of the Invention)

the specification of which (check one)

☐ is attached hereto  
☒ was filed on June 10, 2003 as ~~U. S. Application Serial Number~~ or PCT

International Application Number PCT/FR03/01730

and was amended \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 (a) - (d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified, by checking the box below, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Application Number	Country	Foreign Filing Date (MM/DD/YYYY)	YES	NO	YES	NO
02 07090	FR	10-06-2002	X			

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below and claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Declaration for Patent Application  
Page 2

Parent Application Number	Filing Date	Status (Mark Appropriate Column Below)		
		Patented	Pending	Abandoned

As a named inventor, I hereby revoke all prior powers and appoint the following attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

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Declaration for Patent Application  
Page 3

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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